

AMENDED IN SENATE MAY 21, 1997

AMENDED IN SENATE MARCH 31, 1997

**SENATE BILL**

**No. 590**

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**Introduced by Senator Johnson**

February 24, 1997

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An act to add Section 873 to the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

SB 590, as amended, Johnson. Minors: county juvenile facilities.

Existing law provides for the administration of county juvenile facilities, as specified.

This bill would authorize, *upon approval of the county board of supervisors*, the probation officer to establish a juvenile facility store; and if such a store is established, would require the probation officer or similar county official to establish a Ward Welfare Fund in the county treasury, to be funded by the sale of sundries to wards or detainees, a percentage from the sale of confined minor hobbycraft, and specified telephone refunds and rebates, and to be expended for specified purposes benefiting the wards and detainees. ~~The bill would impose a state-mandated local program by imposing new duties on the county treasurer.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State~~

~~Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~—no. State-mandated local program: ~~yes~~—no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 873 is added to the Welfare and  
2 Institutions Code, to read:

3 873. (a) ~~The~~ Upon approval of the board of  
4 supervisors of a county, the chief probation officer of ~~each~~  
5 the county may establish, maintain, and operate a store  
6 in connection with the juvenile hall or other county  
7 juvenile facilities and for this purpose may purchase  
8 goods, articles and supplies, including, but not limited to,  
9 confectionery, snack foods and beverages, postage and  
10 writing materials, and toilet articles and supplies, and  
11 may sell these goods, articles, and supplies for cash to  
12 wards and detainees confined in the juvenile hall or other  
13 county juvenile facilities.

14 (b) The sale prices of the articles offered for sale at the  
15 store shall be fixed by the chief probation officer. Any  
16 profit shall be deposited in a Ward Welfare Fund which  
17 shall be established in the treasury of the county, if a store  
18 is established pursuant to subdivision (a).

19 (c) There shall also be deposited in the Ward Welfare  
20 Fund, if any, 10 percent of all gross sales of confined minor  
21 hobbycraft.

22 (d) There shall be deposited in the Ward Welfare  
23 Fund, if any, any money, refund, rebate, or commission  
24 received from a telephone company or pay telephone  
25 provider when the money, refund, rebate, or commission  
26 is attributable to the use of pay telephones which are  
27 primarily used by confined wards or detainees while  
28 incarcerated.

1 (e) The money and property deposited in the Ward  
2 Welfare Fund shall be expended by the chief probation  
3 officer primarily for the benefit, education, and welfare  
4 of the wards and detainees confined within the juvenile  
5 hall or other county juvenile facilities. Any funds that are  
6 not needed for the welfare of the confined wards and  
7 detainees may be expended by the chief probation officer  
8 at his or her sole discretion for the maintenance of county  
9 juvenile facilities. Maintenance of the juvenile hall or  
10 other county juvenile facilities may include, but is not  
11 limited to, the salary and benefits of personnel used in the  
12 programs to benefit the confined wards and detainees  
13 including, but not limited to, education, drug and alcohol  
14 treatment, welfare, library, accounting, and other  
15 programs deemed appropriate by the chief probation  
16 officer.

17 (f) The operation of a store within any other county  
18 juvenile detention facility which is not under the  
19 jurisdiction of the chief probation officer shall be  
20 governed by the provisions of this section, except that the  
21 board of supervisors shall designate the proper county  
22 official to exercise the duties otherwise allocated in this  
23 section to the chief probation officer.

24 (g) The treasurer may, pursuant to Article 1  
25 (commencing with Section 53600), or Article 2  
26 (commencing with Section 53630), of Chapter 4 of Part  
27 1 of Division 2 of Title 5 of the Government Code, deposit,  
28 invest, or reinvest any part of the Ward Welfare Fund, in  
29 excess of that which the treasurer deems necessary for  
30 immediate use. The interest or increment accruing on  
31 these funds shall be deposited in the Ward Welfare Fund.

32 (h) The chief probation officer may expend money  
33 from the Ward Welfare Fund to provide indigent wards  
34 and detainees, prior to release from the juvenile hall, any  
35 county juvenile facility, or other juvenile detention  
36 facility under the jurisdiction of the chief probation  
37 officer, with essential clothing and transportation  
38 expenses within the county or, at the discretion of the  
39 chief probation officer, transportation to the minor's  
40 county of residence, if the county is within the state or 500

1 miles from the county of incarceration. This subdivision  
2 does not authorize expenditure of money from the Ward  
3 Welfare Fund for the transfer of any ward or detainees to  
4 the custody of any other law enforcement official or  
5 jurisdiction.

6 ~~SEC. 2. Notwithstanding Section 17610 of the~~  
7 ~~Government Code, if the Commission on State Mandates~~  
8 ~~determines that this act contains costs mandated by the~~  
9 ~~state, reimbursement to local agencies and school~~  
10 ~~districts for those costs shall be made pursuant to Part 7~~  
11 ~~(commencing with Section 17500) of Division 4 of Title~~  
12 ~~2 of the Government Code. If the statewide cost of the~~  
13 ~~claim for reimbursement does not exceed one million~~  
14 ~~dollars (\$1,000,000), reimbursement shall be made from~~  
15 ~~the State Mandates Claims Fund.~~

16 ~~Notwithstanding Section 17580 of the Government~~  
17 ~~Code, unless otherwise specified, the provisions of this act~~  
18 ~~shall become operative on the same date that the act~~  
19 ~~takes effect pursuant to the California Constitution.~~

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21 CORRECTIONS

22 Text — Page 3.

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